

THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: LCF HORTICULTURE HOLDINGS LLC
Source: UNDERGROUND
Basin: AMARGOSA DESERT
Manner of Use: COMMERCIAL
Period of Use: January 1st to December 31st
Priority Date: 07/15/2003 NEW PRIORITY DATE: SEPT 22 2010

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the manner of use of the waters of an underground source as heretofore granted under Permit 60438 is issued subject to the terms and conditions imposed in said Permit 60438 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.1556 cubic feet per second or 40.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

April 28, 2010

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

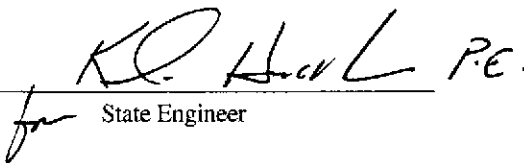
April 28, 2011

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 28th day of April, A.D. 2009



for State Engineer

Completion of work filed _____

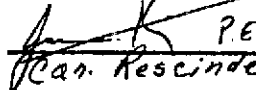
Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

~~CANCELLED SEP 07 2010 BECAUSE OF
FAILURE OF APPLICANT TO COMPLY WITH
THE PROVISIONS OF PERMIT~~

~~ P.E. STATE ENGINEER
Per. Rescinded 4-22-2011~~

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office <u>OCT 08 2008</u>	NEW PRIORITY DATE: DEPT 22 2010
Returned to applicant for correction _____	
Corrected application filed _____	Map filed <u>NOV 28 1995</u> under <u>60162</u>

The applicant LCF Horticulture Holdings LLC1240 Dressen Ave.

Street Address or P.O. Box

of Las Vegas

City or Town

Nevada, 89020

State and Zip Code

, hereby make(s) application for permission to change the

☐ Point of diversion☐ Place of use☒ Manner of use☐ of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)
Permit 60438

1. The source of water is Underground Source
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.1556 c.f.s., 40 Acre feet.
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Commercial
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use.
4. The water heretofore used for Irrigation and Domestic
If for stock, state number and kind of animals.
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
SE1/4 NW1/4 SEC. 15, T.16S., R.48E., MDB&M FROM WHICH POINT THE N.W. COR. SAID SEC. 15 BEARS N.47°58'09"W. 2576 FEET.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

230-14

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

S1/2 NW1/4 SE1/4 NW1/4 AND N1/2 SW1/4 SE1/4 NW1/4 SEC. 15, T.16S., R.48E., MDB&M
10 ACRES. REFER TO MAP FILED UNDER 60438.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

SAME. 10 ACRES REMOVED FROM IRRIGATION.

9. Proposed use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)
Well constructed. Some water lines in place.

12. Estimated cost of works \$25,000

13. Estimated time required to construct works One year. Well completed under log 52287.
(If well completed, describe well.)

14. Estimated time required to complete the application of water to beneficial use Two years.

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

Trees and shrubs in place as part of a commercial growing operation; however, use of the property is more consistent with commercial than irrigation use and this application for change is filed to bring the property into conformity. Caretaker and/or rental housing to be installed to minimize problems with theft of plants that have delayed progress of development of this property. We have already installed three electrical services on the place of use. Drip irrigation lines already exist and will be expanded as needed.

16. Miscellaneous remarks:

(775) 372-1992

Phone No.

delee@amargosavalley.com

E-mail

By Michael DeLee

Print or type name clearly

Signature, applicant or agent

DeLee & Associates

Company Name

P.O. Box 96

Street Address or P.O. Box

Amargosa Valley, NV 89020

City, State, Zip Code

**APPLICATION MUST BE SIGNED
 BY THE APPLICANT OR AGENT**

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

2010 OCT -8 PM 11:22